

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOSE TRUJILLO,

Plaintiff,

v.

PAUL GOGNA dba PRINCE FOOD &
GAS, et al.

Defendants.

Case No. 1:22-cv-0707 JLT SAB

**ORDER THE FINDINGS AND
RECOMMENDATIONS RECOMMENDING
DENYING PLAINTIFF’S MOTION FOR
DEFAULT JUDGMENT**

(Docs. 13, 15, 16)

Jose Trujillo asserts Paul Gogna dba Prince Food & Gas; Huda-Cal. Properties, LLC; and Akbar Ali Huda are liable for violations of the Americans with Disabilities Act, the Unruh Civil Rights Act, and denial of full and equal access to public facilities under California law. (*See generally* Doc. 1.) Plaintiff seeks default judgment against each of the defendants. (Docs. 13, 15.)

On March 1, 2023, the magistrate judge found “service was properly effected on Defendants Akbar Huda and Huda-Cal, but service is not adequate as to Defendant Gogna.” (Doc. 16 at 13; *see also id.* at 7-13.) Therefore, the magistrate judge recommended the motion be denied as to Gogna. (*Id.*) In addition, the magistrate judge found the allegations in the complaint were insufficient to state a claim against Akbar Huda and Huda-Cal, because Plaintiff failed to “sufficiently allege[] hat Defendants Akbar Huda or Huda-Cal. Properties, LLC, own or

1 operate the Facility (Prince Food & Gas), which is a place of public accommodation.” (*Id.* at 18;
2 *see also id.* at 15-18.) Thus, the magistrate judge recommended the motion for default judgment
3 be denied as to defendants Huda and Huda-Cal as well. (*Id.* at 18, 25.)

4 The Findings and Recommendations included a notice that any objections must be filed
5 within fourteen days of the date of service. (Doc. 16 at 25.) In addition, the Court advised the
6 parties that “failure to file objections within the specified time may result in the waiver of the
7 ‘right to challenge the magistrate’s factual findings’ on appeal.” (*Id.* at 26, citing *Wilkerson v.*
8 *Wheeler*, 772 F.3d 834, 839; *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) To date,
9 no objections have been filed, and the time to do so has expired.

10 Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court conducted a *de novo* review of the case.
11 Having carefully reviewed the entire matter, the Court concludes the Findings and
12 Recommendations are supported by the record and by proper analysis. Accordingly, the Court

13 **ORDERS:**

- 14 1. The Findings and Recommendations entered on March 1, 2023 (Doc. 16) are
15 **ADOPTED IN FULL.**
16 2. Plaintiff’s motion for default judgment (Doc. 13) is **DENIED**; and
17 3. The matter is referred to the magistrate judge for further proceedings.

18
19 IT IS SO ORDERED.

20 Dated: **March 27, 2023**


UNITED STATES DISTRICT JUDGE